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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BENGZON, GREG C	
ART UNIT	**PAPER NUMBER**
2144	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/035,321	DROR ET AL	
	Examiner	Art Unit	
	Greg Bengzon	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-17,19-28 and 30-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-17,19-28,30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. 2/4/07
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1-7,9-17,19-28,30-32 are pending. Claims 8, 18, 29 are cancelled.

Priority

The effective date of the subject matter in the claims in this application is January 4, 2002.

Making Final

Applicant's arguments filed 12/13/2006 have been fully considered but they are not persuasive.

The claim amendments regarding -- *selecting, responsively to the request, elements of the media file* -- do not overcome the disclosure by the prior art as applied in the prior Office Action, as shown below.

Furthermore, the Examiner notes further lack of antecedent issues regarding Claims 10,20, and 31.

The Examiner is maintaining the rejection(s) using the same grounds for rejection and thus making this action FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10,20,31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10,20,31 indicate claim dependency on cancelled claims. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 11-17, 22-28, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US Patent 6421733).

Tso disclosed (re. Claim 1,11,22) receiving a request from a client to a server via a network in accordance with a Hypertext Transfer Protocol (HTTP) to stream *a certain portion of* a media file of a given type; (Tso-Column 3 Lines 10-15) passing the request to a servlet running in conjunction with the server; (Tso-Column 3 Lines 10-15) parsing the request using the servlet *to select, responsively to the request,* elements of the media file (Tso-Column 12 Lines 60-65) to be transferred to the client and streaming the identified elements from the server to the client as a HTTP response.(Tso-Column 3 Lines 10-15)

Tso disclosed (re. Claim 2,12,23) wherein parsing the request comprises determining a processing action to be applied to the elements of the media file, (Tso-Column 2 Lines 45-50,Column 12 Lines 60-65) and wherein streaming the identified elements comprises applying the processing action to the elements.

Tso disclosed (re. Claim 3,13,24) wherein parsing the request comprises determining a parameter applicable to the processing action (Tso-Column 5 Lines 35-40, Column 6 Lines 35-40), and wherein applying the processing action comprises

processing the elements of the media file responsive to the parameter.

Tso disclosed (re. Claim 4,14,25) wherein determining the parameter comprises determining a limitation on a media playing capability of the client, (Tso-Column 7 Lines 20-25) and wherein the processing action comprises modifying the identified elements in response to the limitation;

Tso disclosed (re. Claim 5,15,26) wherein determining the limitation comprises identifying a network bandwidth, (Tso- Column 7 Lines 35-40) and wherein modifying the identified elements in response to the limitation comprises altering the elements responsive to the network bandwidth;

Tso disclosed (re. Claim 6,16,27) wherein determining the limitation comprises determining a resource level provided by the client, (Tso-Column 7 Lines 20-25) and wherein modifying the identified elements comprises selecting the identified elements responsive to the resource level;

Tso disclosed (re. Claim 7,17,28) wherein applying the processing action comprises transcoding (Tso-Column 7 Lines 20-25) at least one of the elements of the media file into a desired media format;

Tso disclosed (re. Claim 32) wherein the servlet comprises a subset of the instructions, and the subset of the instructions comprises instructions written in a

platform-independent, object-oriented computer language. (Tso-Column 3 Lines 15-20, Column 4 Lines 20-25, Column 10 Lines 55-60)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

Claims 9-10, 19-21, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US Patent 6421733) in view of Kalra et al. (US Patent 6490627) hereinafter referred to as Kalra.

Tso did not disclose (re. Claim 9,19,30) wherein the elements of the media file comprise an ordered sequence of frames, and wherein selecting the elements comprises selecting a segment within the sequence.

Kalra disclosed several of the claim limitations as Tso such as determining a limitation on a media playing capability of the client and transcoding (Kalra- Column 19 Lines 50-55) at least one of the elements of the media file into a desired media format.

In addition, Kalra disclosed (re. Claim 9,19,30) wherein the elements of the media file comprise an ordered sequence of frames,(Kalra- Column 10 Lines 25-30 and wherein selecting the elements comprises selecting a segment within the sequence. (Kalra-Column 5 Lines 15-20)

Tso and Kalra are analogous art because they present concepts and practices regarding streaming media files. At the time of the invention it would have been obvious to combine Kalra into Tso. The motivation for said combination would have been, as Kalra suggests (Kalra- Column 1 Lines 25-30), to provide compact and distortion-free streaming media that is matched to the computational power available.

Tso-Kalra disclosed (re. Claim 10,20,31) wherein the elements of the media file comprises a plurality of media tracks temporally juxtaposed in parallel (Kalra- Figure 2B), and wherein selecting the elements comprises selecting, one or more of the tracks (Kalra – Column 16 Lines 15-20);

Tso-Kalra disclosed (re. Claim 21) wherein the server comprises a cluster of servers, arranged so that the HTTP request is handled by one of the servers in the cluster, and the servlet is run on a different one of the servers in the cluster. (Kalra-Figures 13,14)

Response to Arguments

Applicant's arguments filed 12/13/2006 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [*in italics*]:

Tso makes no provision for a client to request only a certain portion of a media file.

The Examiner respectfully disagrees with the Applicant. Tso disclosed transcoding by adding, modifying, or deleting data (Column 2 Lines 45-50) according to predefined user selection criterion including content characteristics, data type, and language (Column 7 Lines 30-45), said transcoding performed before rendering content to the client.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb

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